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8 of San Francisco

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11

12 WILLIAM SETZLER,
13 Plaintiff,

14 v.

15 CITY AND COUNTY OF SAN
16 FRANCISCO, a municipal corporation and
DOES ONE through TEN, inclusive
17 Defendants.
18

Case No. 07-CV-05792-SI

**STIPULATION TAKING MOTION TO
DISMISS OFF CALENDAR**

19 Whereas, on January 28, 2008, Defendant City and County of San Francisco
20 ("Defendant") filed a motion to dismiss Plaintiff's original Complaint;

21 Whereas, on February 8, 2008, this lawsuit was reassigned from Magistrate
22 Judge Edward Chen to Honorable Susan Illston;

23 Whereas, Plaintiff's opposition to Defendant's motion to dismiss was due on
24 March 21, 2008;

25 Whereas, on March 21, 2008, Plaintiff filed a First Amended Complaint pursuant
26 to Federal Rule of Civil Procedure 15(a);

27 Whereas, in light of this amendment, the parties stipulate to taking the hearing
28 for the motion to dismiss, which is currently scheduled for April 7, 2008, off calendar;

Whereas, the parties also stipulate that Defendant will not be prejudiced in any manner by its agreement to take the motion to dismiss hearing off calendar;

NOW, THEREFORE THE PARTIES HEREBY STIPULATE through their attorneys of record that the hearing for Defendant's motion to dismiss, which is currently scheduled for April 7, 2008, will be taken off calendar. Defendant will file a responsive pleading to plaintiff's First Amended Complaint on or before April 21, 2008, and will not be prejudiced in any manner by its agreement to take the motion to dismiss hearing off calendar.

DATED: March 25, 2008

MEYERS, NAVE, RIBACK, SILVER & WILSON

By: /s/ Jesse J. Lad

Jesse J. Lad

Attorneys for Defendant

Dated: March 25, 2008

LAW OFFICES OF STEPHEN F. HENRY

By: /s/ Stephen F. Henry

Stephen F. Henry

Attorneys for Plaintiffs

